

## **IN THE CLAIMS**

1. (Original) A data delivery server connected to a terminal by way of a network for delivering an IP packet having data packet recorded internally of payload, comprising:
  - a search module for determining a maximum value of size of one IP packet capable of passing through a channel on said network extending from said server to said terminal,
  - a packet generating module for determining the number of said data packets to be stored in the payload of the IP packet on the basis of said maximum value to thereby implement the determined number of said data packets internally of the payload of said IP packet, and
  - an input/output unit for delivering said IP packet generated by said packet generating module.
2. (Original) A data delivery server according to claim 1,
  - said terminal being a mobile terminal,
  - further comprising a move detecting module designed for accepting a move message of said mobile terminal,
  - wherein said search module determines said maximum value when move of said mobile terminal is detected by said move detecting module.
3. (Original) A data delivery server according to claim 2,
  - said mobile terminal corresponding to MobileIP,
  - wherein said move detecting module is so designed as to accept a message of the move of said mobile terminal sent from a home agent of said mobile terminal defined by said MobileIP.
4. (Original) A data delivery server according to claim 1,
  - wherein said search module determines said maximum value by transmitting a plurality of packets of different data quantities toward said terminal.
5. (Original) A data delivery software capable of carrying out a data delivery method

with a computer including a CPU and an input/output unit,

comprising the steps of:

determining with said CPU a maximum value of data quantity capable of being transferred with one IP packet by way of a path on a network extending from a server to a terminal;

determining with said CPU the number of data packets to be stored internally of payload of said IP packet on the basis of said maximum value;

implementing with said CPU the determined number of said data packets internally of the payload of said IP packet; and

delivering the generated IP packet from said input/output unit.

6. (Currently Amended) A data delivery software capable of carrying out the data delivery method with the computer according to claim 5 [[4]],

further comprising a step of:

accepting a move message concerning move of said terminal,

wherein upon reception of said move message, the step of determining said maximum value is executed.

7. (Original) A data delivery software capable of carrying out the data delivery method with the computer according to claim 5,

said terminal being a mobile terminal corresponding to MobileIP,

wherein a move message of said terminal is a move message of said mobile terminal sent from a home agent of said mobile terminal.

8. (Original) A data delivery system comprised of a server for delivering data including one or plural data packets additionally recorded internally of payload of an IP packet and a terminal connected to said server by way of a network for receiving said data,

wherein said server comprises:

a search module for determining a maximum value of data quantity capable of being transferred with one IP packet by way of a path on said network extending from said server to said terminal;

a packet generating module for structuralizing said determined number of data

packets internally of the payload of said IP packet; and

an input/output unit for delivering said IP packet generated by said packet generating module, and

wherein said terminal comprises an input/output unit for receiving the data delivered from said server.

9. (Original) A data delivery system according to claim 8,  
wherein said search module determines said maximum value by transmitting a plurality of packets of different data quantities toward said terminal.
10. (Original) A data delivery system according to claim 8,  
wherein said server includes a terminal cooperation module in place of said search module,  
said terminal further comprises a search module for determining a maximum value of data quantity capable of being transferred by one IP packet by way of a path on said network extending from said terminal to said server,  
said terminal cooperation module of said server is so arranged as to acquire from said terminal information concerning said maximum value determined by said search module of said terminal, and  
wherein the packet generating module incorporated in said server determines the number of said data packets to be stored internally of the payload of said IP packet on the basis of said maximum value determined by said terminal cooperation module, to thereby structuralize said determined number of data packets internally of the payload of said IP packet.